

Remarks

In the prior Office action of 5/28/2004, the "alerts summarizing mechanism" of Claims 7-10 had been allowed together with the "machine-implemented method for increasing likelihood ..." recited in Claim 17.

It is clear from this first action that prior art searches have already been conducted for both the mechanism and related method without need for restriction and without "serious burden on the examiner" (quoting MPEP §803(B)). Now this already-examined and allowed group of claims (17 and 7-10) is being broken apart across Groups II and V per the following Table 1:

Table 1

Group No.	Claims	Description
I	1-5, 12, 13, 18, 19, 20, 22-25 and 34-37	Drawn to machine-implemented for notifying
II	7-10 and 26	Drawn to automatic filtering means/prioritizing means
III	11 and 14-16	Drawn to scheduling means
IV	6, 21, 38-40	Drawn to patient attribute defining means
V	17 and 27-33	Drawn to communication/confirmation

It is respectfully submitted that allowed Claim 17 should not be restricted apart from allowed Claim group 7-10 because no additional burden will be placed on the examiner (having already examined and allowed these claims) and a great burden will be placed on the Applicant for having to pay twice and wait twice for having the same claims re-examined. MPEP §803 is cognizant of the burdens placed on Applicant as well as those placed on the examiner. MPEP §803 (Restriction - When Proper) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. [emphasis added]

The Examiner is correct to note that a common theme runs through the claims of elected Group I, namely, "notifying" and "alerting". More specifically, method Claim 1 of Group I recites: "(c) for an identified ... initiating a delivery-attempt for delivering to at least one targeted recipient ... an alert signal for notifying the targeted recipient of the monitored and identified communication." [Emphasis added]. Apparatus Claim 2 of Group I recites: "(d) situation identifying means for advising the care-concerned person of a situation type to which the alerted situation belongs." [Emphasis added].

The same theme concerning alerts and notifications is found also in allowed Claim 7:
"In a ... system, an alerts summarizing mechanism comprising ... (b) target-person identifying means for identifying a target-person to whom one of said intervention-worthy communications is to be sent " [Emphasis added].

The same theme concerning alerts and notifications is found also in allowed Claim 8:
"The alerts summarizing mechanism of Claim 7 ... (c) summarized alerts reporting means for reporting summarizations of the prioritized alert reports to at least one person ..." [Emphasis added].

In fact, a significant part of the application is concerned with making sure that important communications do not fall through the cracks, so to speak. Fig. 1A details a number of ways in which important, health-related, communications can fall through the cracks. This is a theme that is common also to already-allowed Claim 17: "For use in ... a machine-implemented method for increasing likelihood that service-related communications will be delivered ... " [Emphasis added].

Rather than articulating this point on a claim-by-claim basis, Applicant submits here, a highlighted but summarized listing of the pending claims 1-40, showing their assigned group numbers (gp1-gp5) and showing by way of nonlimiting highlighting how the common theme of not letting important messages fall through the cracks runs through many of the claims: (Incidentally, it is noted that the preamble of claim 21 has an obvious error, it should be directed to a mechanism rather than to a method.)

1. (gp1) A machine-implemented method for **notifying** at least one care-concerned person ...
(c) for an identified ... initiating a delivery-attempt for delivering to at least one targeted recipient ... an alert signal for **notifying the targeted recipient** of the monitored and identified communication.
18. The machine-implemented **notifying** method of Claim 1 ...
19. The machine-implemented **notifying** method of Claim 1 ...

2. (gp1) An alerting mechanism for summarily **alerting** a care-concerned person (d) situation identifying means for advising the care-concerned person of a situation type to which the alerted situation belongs.
3. The alerting mechanism of Claim 2 ...
4. The alerting mechanism of Claim 2 ...
5. The alerting mechanism of Claim 2 ...
20. The machine-implemented notifying method of Claim 2 ...
6. (gp4) A follow-up scheduling and monitoring mechanism for automatically assisting a care-concerned person
21. The *machine-implemented notifying method* of Claim 6...
7. (gp2) In a ... system, an **alerts** summarizing mechanism comprising ... (b) target-person identifying means for identifying a target-person to whom one of said **intervention-worthy communications is to be sent**
8. The alerts summarizing mechanism of Claim 7 ... (c) summarized alerts reporting means for reporting summarizations of the prioritized **alert reports** to at least one person ...
9. The **alerts** summarizing mechanism of Claim 8
10. The **alerts** summarizing mechanism of Claim 8
26. The **alerts** summarizing mechanism of Claim 7
11. (gp3) A machine-implemented, communications formulating, managing and delivering system ... (c) interview completion checking means or if not, for automatically **alerting** a responsible person of the incompleteness of the scheduled interview.
12. (gp1) An automatic and adaptive dialog conducting mechanism ...
13. The adaptive dialog conducting mechanism of Claim 12 ...
14. (gp3) A machine-implemented, communications delivering and response collecting system ... (b) **alert** generating means ..
15. (gp3) A machine-implemented, communications delivering system ...
16. (gp3) A scalable machine-implemented, communications delivering and response collecting system ...
17. (gp5) For use in ... a machine-implemented method for increasing likelihood that service-related **communications will be delivered** ...
- 18-21. see above
22. (gp1) An alerting mechanism for **alerting** a health care-concerned person to a health care-related situation ...
23. The **alerting** mechanism of Claim 22 ...
24. The **alerting** mechanism of Claim 22 ...
25. The **alerting** mechanism of Claim 22 ...
26. see above

27. (gp5) A machine-implemented follow-up method ... (c) automatically **delivering corresponding alerts**
28. The machine-implemented follow-up method of Claim 27
29. The machine-implemented follow-up method of Claim 27
30. The machine-implemented follow-up method of Claim 29
31. The machine-implemented follow-up method of Claim 27
32. The machine-implemented follow-up method of Claim 27
33. (gp5) Manufactured instructing signals for causing a correspondingly instructable machine to automatically carry out a machine-implemented method ... (c) **delivering corresponding alerts** to one or more persons responsible for completion of delivery of a given health care service having one of said delivery deadlines
34. (gp1) A machine-implemented method for use in providing health care services to patients ... (d) automatically **delivering corresponding need-review alerts**
35. (gp1) An automated machine system for providing machine-implemented follow-ups on progress in providing health care services to patients ... (c) second means for automatically **delivering corresponding alerts**
36. The automated machine system of Claim 35
37. (gp1) An automated machine system for providing machine-supported health care services to patients ... (d) alert means for automatically **delivering corresponding need-review alerts** ...
38. (gp4) An automated machine system for providing machine-supported customization in the provision of health care services ... (c) service formulating means for automatically providing customizable formulation support for formulating
39. The automated machine system of Claim 38 ...
40. The automated machine system of Claim 38 ...

In view of the alerting and notification theme shown to run as a common thread through not only elected Group I, but also through Group II (7-10, 26) and Group V (17,27-33), it is respectfully requested that these claims should not be broken apart. Moreover, claims 11 (gp3) and 14 (gp3) should be placed under the umbrella of this theme because they relate to alerting. It is submitted that an undue burden will be placed on Applicant but not on the examiner by separation of these claims among different applications.

Request for Change of Restriction

In view of the above it is requested that at least the restriction lines drawn between Groups I, II and V be rescinded. It is requested that claims 11 and 14 be moved into this expanded group. A telephone call to the below attorney is requested if it will help expedite processing of the application.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2257 for any matter in connection with this response, including any fee for extension of time and/or fee for additional claims, which may be required.

 2/8/05

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on Monday, February 8, 2005.

GH 2/8/05

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